

09/147036

69 Rec 11/PTO

23 OCT 1998

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Jochen MAURER et al

ATTN: Refund Section
Accounting Division
Office of Finance

Serial Number: 09/147,036

Filed: September 15, 1998

For: EXPORT SYSTEMS FOR RECOMBINANT PROTEINS

REQUEST FOR REFUND

Assistant Commissioner
Washington, D.C. 20006

October 23, 1998

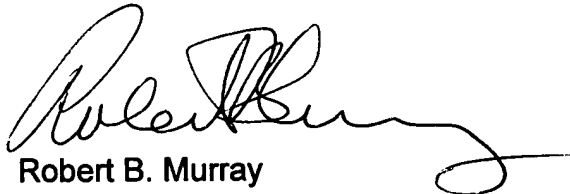
Sir:

The undersigned respectfully request a refund of 50% of the fee paid in the subject application on September 15, 1998.

The fee of Nine Hundred Thirty Dollars (\$930) paid on September 15, 1998, is that for a large entity. The application, however, is entitled to the reduced fees provided for small entities under 37 CFR 1.16. A verified statement establishing status as a small entity for the purpose of payment of reduced fees in the subject application is submitted herewith.

It is respectfully requested that the 50% excess of the fee paid (\$465) September 15, 1998, be credited to Deposit Account 14-1060.

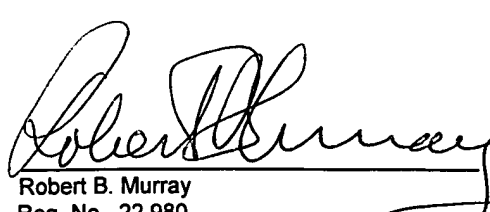
Respectfully submitted,
NIKAIDO, MARMELSTEIN, MURRAY & ORAM LLP


Robert B. Murray
Registration No. 22,980

Atty. Docket No. P564-8019
Metropolitan Square
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Washington, D.C. 20005-5701
Telephone: (202) 638-5000
RBM:cb

23 Rec'd PCT/PTO 23 OCT 1998

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| FORM PTO-1390 (REV 5-93) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTORNEY DOCKET NO. P564-8019 |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | | | DATE: October 23, 1998 |
| | | | | U.S. APPLN. NO. (IF KNOWN, SEE 37 CFR 1.5) 09/147,036 |
| INTERNATIONAL APPLICATION NO. PCT/EP96/01130 | | INTERNATIONAL FILING DATE 15 March 1996 | | PRIORITY DATE CLAIMED |
| TITLE OF INVENTION: Jochen MAURER, Joachim JOSE, Thomas MEYER | | | | |
| APPLICANT(S) FOR DO/EO/US: EXPORT SYSTEMS FOR RECOMBINANT PROTEINS | | | | |
| <p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED)</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT articles 22 and 39(1).</p> <p>4. <input type="checkbox"/> A proper demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p>b. <input type="checkbox"/> has been transmitted by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</p> <p>b. <input type="checkbox"/> have been transmitted by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) signed by Jochen MAURER and Joachim JOSE.</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11. to 16. below concern other document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input checked="" type="checkbox"/> Other items or information: Request for Refund/Small Entity Declaration CHECK NO.</p> | | | | |

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|---|--------------|--|------------|--|------|
| U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.50) 09/147,036 | | INTERNATIONAL APPLICATION NO. PCT/EP96/00130 | | ATTORNEY DOCKET NO. P564-8019 DATE: October 23, 1998 | |
| 17. _ The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO.....\$930.00 International preliminary examination fee paid to USPTO (37 CFR 1.482)....\$720.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$790.00 Neither international preliminary examination fee (37 CFR 1.482) or international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1,070.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)\$ 98.00 | | | | CALCULATIONS PTO USE ONLY <hr/> | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | \$00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than _ 20 _ 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$00 | |
| Claims | Number Filed | Number Extra | Rate | | |
| Total Claims | 40 - 20 = | 20 | X \$ 22.00 | \$00 | |
| Independent Claims | 04 - 3 = | 01 | X \$ 82.00 | \$00 | |
| Multiple dependent claim(s) (if applicable) | | | + \$270.00 | \$00 | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$00 | |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Not 37 CFR 1.9, 1.27, 1.28). | | | | \$00 | |
| SUBTOTAL = | | | | \$00 | |
| Processing fee of \$130.00 for furnishing the English translation later the _ 20 _ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | + | \$00 |
| TOTAL NATIONAL FEE = | | | | \$00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | + | \$00 |
| TOTAL FEES ENCLOSED = | | | | \$00 | |
| | | | | Amount to be refunded | \$ |
| | | | | Charged | \$ |
| a. _ A check in the amount of \$__ to cover the above fees is enclosed. b. _ Please charge my Deposit Account No. <u>14-1060</u> in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. _ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>14-1060</u> . | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) r (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: NIKAIDO, MARMELESTEIN, MURRAY AND ORAM Metropolitan Square 655 15th Street, N.W. Suite 330 - G Street Lobby Washington, D.C. 20005-5701 Telephone No. (202) 638-5000 | | | | | |
| | | | |  Robert B. Murray Reg. No. 22,980 | |